

## Hoosier Justice at Nuremberg

### ***United States of America v. Friedrich Flick, et al***

American Military Tribunal IV, Case 5

Members of Military Tribunal IV:

**Judge Charles B. Sears**, Presiding Judge, formerly Associate Judge of the Court of Appeals of the State of New York

**Judge William C. Christianson**, formerly Associate Judge of the Supreme Court of the State of Minnesota

**Judge Frank N. Richman**, formerly Judge of the Supreme Court of the State of Indiana

**Alternate Judge Richard D. Dixon**, formerly Judge of the Supreme Court of the State of North Carolina

Prosecution Counsel:

**Brigadier General Telford Taylor**, Chief of Counsel

**Thomas E. Ervin and Rawlings Ragland**, Deputy Chief Counsel

**Charles S. Lyon**, Chief, Flick Trial Team

Defendants:

**Friedrich Flick, Otto Steinbrink, Odilo Burkart, Konrad Kaletsch, Bernhard Weiss, Hermann Terberger**

Charges of Indictment:

**Count One (abridged):**

1. Between September 1939 and May 1945 all the defendants committed war crimes and crimes against humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: enslavement and deportation to slave labor on a gigantic scale of members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by Germany; enslavement of concentration camp inmates, including German nationals; and the use of prisoners of war in war operations and work having a direct relation with war operations, including the manufacture and transportation of armaments and munitions. In the course of these activities hundreds of thousands of persons were enslaved, deported, ill-treated, terrorized, tortured, and murdered.

2. The acts, conduct, plans, and enterprises charged in paragraph 1 of this count were carried out as part of the slave-labor program of the Third Reich, in the course of which millions of persons, including women and children, were subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering and many deaths.

**Count Two (abridged):**

1. Between September 1939 and May 1945, all the defendants except Terberger committed war crimes and crimes against humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, plunder of public and private property, spoliation, and other offenses against

property in countries and territories which came under the belligerent occupation of Germany in the course of its aggressive wars. These acts bore no relation to the needs of the army of occupation and were out of all proportion to the resources of the occupied territories.

2. In pursuance of deliberate plans and policies, the territories occupied by Germany as a result of its aggressive acts and its aggressive wars were exploited for the German war effort in a most ruthless way beyond the needs of the army of occupation and without consideration of the local economy. These plans and policies were intended not only to strengthen Germany in waging its aggressive wars, but also to secure the permanent economic domination by Germany of the continent of Europe. All the defendants except Terberger participated extensively in the formulation and execution of the foregoing plans and policies of spoliation by seeking and securing possession, in derogation of the rights of the owners, of valuable properties in the territories occupied by Germany, for themselves, for the Flick Concern, and for other enterprises owned, controlled, or influenced by them; and by taking possession of machinery, equipment, raw materials, and other property known by them to have been taken, by themselves or by others, from occupied territories.

### **Count Three (abridged):**

1. Between January 1936 and April 1945 the defendants Flick, Steinbrinck, and Kaletsch committed crimes against humanity, as defined in Article H of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving persecutions on racial, religious, and political grounds, including particularly the "Aryanization" of properties belonging in whole or in part to Jews.

2. Commencing with Hitler's seizure of power in 1933 and increasingly in later years, the government of the Third Reich systematically and ruthlessly persecuted millions of persons on political, racial, and religious grounds. As part of these programs of persecution, the German Government pursued a policy of expelling Jews from economic life. The German Government and Nazi Party embarked on a program involving threats, pressure, and coercion generally, formalized and otherwise, to force Jews to transfer all or part of their property to non-Jews, a process usually referred to as "Aryanization." The defendants Flick, Steinbrinck, and Kaletsch and the Flick Concern participated in the planning and execution of numerous Aryanization projects.

### **Count Four (abridged):**

1. Between 30 January 1933 and April 1945, the defendants Flick and Steinbrinck committed war crimes and crimes against humanity, as defined by Article II of Control Council Law No. 10, in that they were accessories to, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: murders, brutalities, cruelties, tortures, atrocities and other inhumane acts committed by the Nazi Party and its organizations, including principally the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS).

2. The defendants Flick and Steinbrinck were members of a group variously known as "Friends of Himmler", "Freundeskreis" (Circle of Friends), and the "Keppler Circle", which, throughout the period of the Third Reich, worked closely with the SS, met frequently and regularly with its leaders, and furnished aid, advice, and support to the SS, financial and otherwise.

### **Count Five (abridged):**

1. The defendant Steinbrinck is charged with membership, subsequent to 1 September 1939, in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal, and paragraph 1 (d) of Article II of Control Council Law No. 10.

***United States of America v. Carl Krauch, et al (the Farben case)***

American Military Tribunal VI, Case 6

**Members of Military Tribunal IV:**

**Judge Curtis G. Shake**, Presiding Judge, formerly Judge of the Supreme Court of the State of Indiana

**Judge James Morris**, Judge of the Supreme Court of North Dakota

**Judge Paul M. Hebert**, Dean of the Law School, Louisiana State University

**Alternate Judge Clarence F. Merrell**, Member of the Bar of the State of Indiana

**Prosecution Counsel:**

**Brigadier General Telford Taylor**, Chief of Counsel

**Josiah E. DuBois, Jr.**, Deputy Chief Counsel

**Drexel A. Sprecher**, Chief, Farben Trial Team

**Defendants:**

**Otto Ambros, Max Brueggemann, Ernst Buergin, Heinrich Bueteftisch, Walter Duerrfeld, Fritz Gajewski, Heinrich Gattineau, Paul Haeffliger, Erich von der Heyde, Heinrich Hoerlein, Max Ilgner, Friedrich Jaehne, August von Knieriem, Carl Krauch, Hans Kuehne, Hans Kugler, Carl Lautenschlaeger, Wilhelm Mann, Fritz ter Meer, Heinrich Oster, Hermann Schmitz, Christian Schneider, Georg von Schnitzler, Carl Wurster**

**Charges of Indictment:**

**Count One (abridged):**

1. All of the defendants, acting through the instrumentality of Farben and otherwise, during a period of years preceding 8 May 1945, participated in the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries, which wars of aggression and invasions were also in violation of international laws and treaties. All of the defendants held high positions in the financial, industrial, and economic life of Germany and committed these crimes against peace, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, including Farben, which were connected with the commission of said crimes.

2. In these invasions and wars of aggression, many millions of people were murdered, tortured, starved, enslaved, and robbed; millions of homes were left in ruins; tremendous industrial capacity necessary to maintain the standard of living of peoples all over the world was destroyed; agricultural land capable of feeding millions of people was laid in waste; and a large part of the world was left in economic and political chaos. The life and happiness of all peoples of the world were adversely affected as the result of these invasions and wars of aggression.

**Count Two (abridged):**

1. All of the defendants, acting through the instrumentality of Farben and otherwise, during the period from 12 March 1938 to 8 May 1945, committed war crimes and crimes against humanity as defined in Article II of Control Council Law No. 10, in that they participated in the plunder of public and private property, exploitation, spoliation, and other offenses against property in countries and territories which came under the belligerent occupation of Germany in the course of its invasions and aggressive wars. All of the defendants committed these war crimes and crimes against humanity as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part

in, were connected with plans and enterprises involving, and were members of organizations or groups, including Farben, which were connected with the commission of said crimes.

**Count Three (abridged):**

1. All of the defendants, acting through the instrumentality of Farben and otherwise, during the period from 1 September 1939 to 8 May 1945, committed war crimes and crimes against humanity as defined by Article II of Control Council Law No. 10, in that they participated in the enslavement and deportation to slave labor on a gigantic scale of members of the civilian population of countries and territories under the belligerent occupation of, or otherwise controlled by, Germany; the enslavement of concentration camp inmates, including German nationals; the use of prisoners of war in war operations and work having a direct relation to war operations, including the manufacture and transportation of war material and equipment; and the mistreatment, terrorization, torture, and murder of enslaved persons. In the course of these activities, millions of persons were uprooted from their homes, deported, enslaved, ill-treated, terrorized, tortured, and murdered. All of the defendants committed these war crimes and crimes against humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, including Farben, which were connected with the commission of said crimes.

**Count Four:**

The defendants Schneider, Bueteffisch, and von der Heyde are charged with membership, subsequent to 1 September 1939, in Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

**Count Five (abridged):**

1. All the defendants, acting through the instrumentality of Farben and otherwise, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators, and accomplices in the formulation and execution of a common plan or conspiracy to commit, or which involved the commission of, crimes against peace (including the acts constituting war crimes and crimes against humanity which were committed as an integral part of such crimes against peace) as defined by Control Council Law No. 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan or conspiracy.

2. The acts and conduct of the defendants set forth in ... this indictment formed a part of said common plan or conspiracy and all the allegations made in said counts are incorporated in this count.

To read edited transcripts of both the Flick and Farben trials, see  
<http://www.mazal.org/NMT-HOME.htm>